

**EQC ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
MAY 13, 2004**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Multi-Media Action**

**Solid Waste Enforcement and Hazardous Waste Enforcement**

- 1) Order Type and Number: Consent Order 04-05-SW/HW,  
04-01-HW/SW
- Order Date: March 1, 2004
- Respondent: **Southeastern Chemical and  
Solvent Co., d.b.a. Omni Giant  
Resource Recovery**
- Facility: Same As Above
- Location/Mailing Address: 755 Industrial Road  
Sumter, SC 29151
- County: Sumter
- Previous Orders: 00-03-HW (\$12,000); 00-20-HW (no  
penalty); 01-08-HW (\$49,000); 01-  
23-HW (\$72,900)
- Permit/ID Number: 432675-2001
- Violations Cited: South Carolina Solid Waste Policy  
and Management Act of 1991, S.C. Code Ann. § 44-96-440 (2002), Solid  
Waste Processing Facilities Regulation, 25A S.C. Code Ann. Reg. 61-  
107.6 (F)(3)(A), (F)(5)(A) (Supp.2001), South Carolina Hazardous Waste  
Management Act, S.C. Code Ann. § 44-56-130 (2) (2002).

Summary: Southeastern Chemical and Solvent Company, d.b.a. Omni  
Giant Resource Recovery (Respondent) operates a Solid Waste Processing  
Facility located in Sumter, South Carolina. The Department issued the  
Respondent a Solid Waste Processing Facility Permit (Permit # 432675-2001) on  
July 7, 1999. The Respondent violated its permit when it accepted hazardous  
waste for processing due to inadequate waste screening procedures.

Action: The Respondent revised its waste control plan (approved by the  
Department on January 14, 2004) prior to signing the Order and agreed to  
implement the revised plan. Furthermore, the Respondent agreed to pay a civil  
penalty in the amount of sixteen thousand two hundred fifty (**\$16,250.00**) dollars  
within thirty (30) days from receipt of a copy of the fully executed Order. The  
civil penalty was paid in full before the due date.

**Underground Storage Tank Enforcement**

2) Order Type and Number: Consent Order 04-0076-UST  
Order Date: March 17, 2004  
Respondent: **Amerada Hess Corporation**  
Facility: Hess Station #40373  
Location/Mailing Address: 8620 E. Dorchester & Hawkins Rd.  
N. Charleston, S.C. 29420  
County: Dorchester  
Previous Orders: 02-2956-UST (Dorchester)(\$500);  
02-3380-UST Richland)(\$600)  
Permit/ID Number: 12011  
Violations Cited: UST Control Regulations, R.61-92,  
§280.31(a), R.61-92, §280.40(a), R.61-92, §280.34(c).

Summary: Amerada Hess Corporation (Respondent), a national marketer located in Woodbridge, New Jersey, owns and operates underground storage tanks at 8620 E. Dorchester and Hawkins Road, North Charleston, SC. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to operate and maintain corrosion protection equipment continuously; failure to provide an adequate release detection method; and failure to supply records to the Department upon request.

Action: The Respondent has corrected the violations and paid a civil penalty in the amount of two thousand six hundred dollars (**\$2,600.00**).

3) Order Type and Number: Administrative Order 03-4993-UST  
Order Date: December 19, 2003  
Respondent: **Donna Ravan**  
Facility: Tad's Quick Stop  
Location/Mailing Address: 28 N. Main St.  
Cross Hill, S.C. 29332  
County: Laurens  
Previous Orders: None  
Permit/ID Number: 11456  
Violations Cited: UST Control Regulations, R.61-92,  
§280.40(a), R.61-92, §280.34(c).

Summary: Donna Ravan (Respondent), owns and operates underground storage tanks located at 28 North Main Street, Cross Hill, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to provide an adequate release detection method and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of three thousand one hundred fifty dollars (**\$3,150.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come

into compliance by submitting release detection records. The Administrative Order was not appealed.

- 4) Order Type and Number: Administrative Order 03-0121-UST  
Order Date: January 21, 2004  
Respondent: **James Herring**  
Facility: Herring Electric  
Location/Mailing Address: Douglas Street Ext.  
Florence, S.C. 29501  
County: Florence  
Previous Orders: None  
Permit/ID Number: 03277  
Violations Cited: UST Control Regulations, R.61-92,  
§280.65(a) and (b).

Summary: James Herring (Respondent), owned and operated underground storage tanks formerly located at Douglass Street Extension, Florence, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to determine the full extent of a release in accordance with a schedule established by the Department, and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of six thousand five hundred sixty-five dollars (**\$6,565.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by submitting an assessment report. The Administrative Order was not appealed.

- 5) Order Type and Number: Administrative Order 03-4689-UST  
Order Date: January 23, 2004  
Respondent: **Ann Yates**  
Facility: Ann-Simpco BP  
Location/Mailing Address: 811 S. Broad St.  
Clinton, S.C. 29325  
County: Laurens  
Previous Orders: None  
Permit/ID Number: 18777  
Violations Cited: UST Control Regulations, R.61-92,  
§280.93(a), R.61-92, §280.110(c).

Summary: Ann Yates (Respondent), owns and operates underground storage tanks located at 811 South Broad Street, Clinton, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of two thousand five hundred fifty dollars (**\$2,550.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by demonstrating financial responsibility. The Administrative Order was not appealed.

- 6) Order Type and Number: Administrative Order 03-0045-UST  
Order Date: February 4, 2004  
Respondent: **Mike Hardee**  
Facility: Mike's Cash & Carry  
Location/Mailing Address: 2283 Highway 905  
Conway, S.C. 29526  
County: Horry  
Previous Orders: AO 00-0483-UST (\$1,000); AO 01-1328-UST (\$1,500)  
Permit/ID Number: 05002  
Violations Cited: UST Control Regulations, R.61-92, §280.93(a), R.61-92, §280.110(c).

Summary: Mike Hardee (Respondent) owns and operates underground storage tanks located at 2283 Highway 905, Conway, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility and failure to supply records to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of three thousand one hundred fifty dollars (**\$3,150.00**) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by demonstrating financial responsibility. The Administrative Order was not appealed.

## **BUREAU OF WATER**

### **Drinking Water Enforcement**

- 7) Order Type and Number: Consent Order 04-028-DW  
Order Date: March 1, 2004  
Respondent: **Lugoff-Elgin Water Authority**  
Facility: Lugoff-Elgin Water Authority PWS  
Location/Mailing Address: P.O. Box 125  
Lugoff, S.C. 29078  
County: Kershaw  
Previous Orders: 98-047-DW (\$0)  
Permit/ID Number: 2820001  
Violations Cited: S.C. Code Ann. Regs. 61-58.5(P)(1)

Summary: The Lugoff-Elgin Water Authority (Respondent) owns and is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS had a running annual average that exceeded the maximum contaminant level (MCL) of 0.060 mg/L for the five regulated haloacetic acids (HAA5) for the compliance period April – June 2003 and July – September 2003 and had running annual averages for the total trihalomethanes (TTHM) that exceeded the TTHM MCL of 0.080 mg/L for the compliance periods of October–December 2002, January–March 2003, and April–June 2003.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; post a public notice regarding the PWS’s referenced HAA5 and TTHM violations with the local newspaper by March 1, 2004; submit a copy of the public notice to the Department; submit progress reports of the PWS’s construction status at least every 6 months, with the first report due April 1, 2004; and pay a **stipulated penalty** of eight thousand dollars (**\$8,000.00**) if it fails to meet any requirement in this Order.

8) <u>Order Type and Number:</u>	Consent Order 04-032-DW
<u>Order Date:</u>	March 1, 2004
<u>Respondent:</u>	<b>John Boulware</b>
<u>Facility:</u>	Blackstock Fish Camp PWS
<u>Location/Mailing Address:</u>	P.O. Box 37 Blackstock, S.C. 29014
<u>County:</u>	Fairfield
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-30(G), 61-58.5(C), 61-58.5(G) and 61-58.6(E)(2)

Summary: John Boulware (Respondent) d/b/a Blackstock Fish Camp owns and is responsible for a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulation as follows: failure to perform the required annual monitoring for nitrates and bacteriological monitoring for the 2001, 2002 and 2003 monitoring periods, and failure to submit the required annual drinking water fees for the 2001, 2002, 2003 and 2004 fiscal years.

Action: The Respondent has agreed to: comply with all applicable State and Federal laws and regulations; pay the balance of all outstanding drinking water fees totaling one thousand three hundred six dollars and twenty-six cents (\$1,306.26); and pay a **stipulated penalty** of six thousand three hundred dollars (**\$6,300.00**) if he fails to meet any requirement in this Order. The Respondent has

paid one-third of the outstanding drinking water fees and has initiated a payment plan over 12 months to pay the balance.

- 9)     Order Type and Number:                     Consent Order 04-034-DW  
          Order Date:                                 March 04, 2004  
          Respondent:                                **Town of McColl**  
          Facility:                                    Town of McColl PWS  
          Location/Mailing Address:             210 E. Gibson Avenue  
  McColl, S.C. 29570  
  
          County:                                     Marlboro  
          Previous Orders:                         02-155-W (\$20,000/suspended)  
          Permit/ID Number:                     3410003  
          Violations Cited:                        S.C. Code Ann. Regs. 61-58.7(B)(1)

Summary: The Town of McColl (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all State and Federal regulations; by March 14, 2004, connect the Town of McColl's PWS to the Marlboro Water Company PWS; within 30 days of the Order date establish a Leak Detection Program and submit a Corrective Action Plan (CAP) for repairing or replacing all meters with a Schedule of Completion; within 30 days of the connection to the Marlboro Water Company PWS, submit a letter stating their decision to paint or replace the elevated storage tank; within 90 days of the Order date correct all deficiencies as reported on the 2003 sanitary survey; and pay a **stipulated penalty** of two thousand eight hundred dollars (**\$2,800.00**) if it fails to meet any requirement in this Order.

- 10)     Order Type and Number:                     Consent Order 04-037-DW  
          Order Date:                                 March 12, 2004  
          Respondent:                                **Henry James McCrea**  
          Facility:                                    Trio Mini Mart  
          Location/Mailing Address:             3272 Seaboard Road  
  Salters, S.C. 29590  
  
          County:                                     Williamsburg  
          Previous Orders:                         None  
          Permit/ID Number:                     4570909  
          Violations Cited:                        S.C. Code Ann. Regs. 61-30(G), 61-58.5(C), 61-58.5(G), and 61-58.6

Summary: Henry James McCrea (Respondent) d/b/a Trio Mini Mart owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to monitor his PWS for nitrate and bacteriological contaminants;

failure to issue public notice for the non-monitoring of nitrate and bacteriological contaminants; and failure to pay the required State Safe Drinking Water Fees for fiscal years 2002, 2003, and 2004.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all State and Federal regulations; within 30 days of the Order date, issue public notice to the customers and employees of Trio Mini Mart; pay the balance of all outstanding drinking water fees for fiscal years 2002, 2003, and 2004 totaling one thousand thirty-one dollars and twenty-five cents (\$1,031.25); and pay a **stipulated penalty** of two thousand eight hundred dollars (**\$2,800.00**) if he fails to meet any requirement in this Order. The Respondent has paid the balance of the outstanding drinking water fees.

- 11) Order Type and Number: Consent Order 04-038-DW  
Order Date: March 6, 2004  
Respondent: **Ruby Lane**  
Facility: Chadmoos Village Subdivision PWS  
Location/Mailing Address: 1957 Manning Hwy  
Greeleyville, S.C. 29056  
County: Clarendon  
Previous Orders: None  
Permit/ID Number: 1450004  
Violations Cited: S.C. Code Ann. Regs. 61-58.5(F)(1)(b)

Summary: Ruby Lane (Respondent) d/b/a Chadmoos Village Subdivision owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: the PWS exceeded the MCL for total coliform for the compliance periods of April, May and July 2003.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal laws and regulations; submit plans and specifications for the correction of deficiencies listed in the Order and once approved, the plans and specifications will become an enforceable part of this Order; and pay a **stipulated penalty** of four thousand dollars (**\$4,000.00**) if he fails to meet any requirement in this Order (refinishing storage tank and correcting well head piping).

- 12) Order Type and Number: Consent Order 04-039-DW  
Order Date: March 10, 2004  
Respondent: **Karen Leatherman**  
Facility: Fitness Forum  
Location/Mailing Address: 120 E. Elm  
Florence, S.C. 29506  
County: Florence

Previous Orders: None  
Permit/ID Number: 21-091-D  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Karen Leatherman (Respondent) d/b/a Fitness Forum is responsible for the proper operation and maintenance of a public spa. The Respondent has violated the State Recreational Waters Act and the Public Swimming Pools Regulation as follows: failure to properly operate and maintain a public spa.

Action: The Respondent has agreed to: properly operate and maintain the public spa in accordance with the Public Swimming Pools Regulation; and pay a civil penalty in the amount of one thousand two hundred and sixty dollars **(\$1,260.00)** in two quarterly installments.

13) Order Type and Number: Consent Order 04-043-DW  
Order Date: March 12, 2004  
Respondent: **Town of Harleyville**  
Facility: Town of Harleyville PWS  
Location/Mailing Address: P.O. Box 35  
Harleyville, S.C. 29448  
County: Dorchester  
Previous Orders: 99-180-DW (\$4,000)  
Permit/ID Number: 1810002  
Violations Cited: SC Code Ann. Regs. 61-58.6(E)(4),  
61-58.7(B) and 61-58.11(H)

Summary: The Town of Harleyville (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS and failure to monitor for lead & copper during the compliance period of June – September 2003.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal laws and regulations; within 90 days of the Order date, complete and submit a system evaluation including all requirements stated in the Order; include in the 2003 Consumer Confidence Report (CCR) for its PWS public notice of the non-monitoring violation for lead and copper during the compliance period of June – September 2003; submit a copy of the 2003 CCR for review within 5 days of customer distribution; collect the required number of monitoring samples for lead and copper during June 2004 and submit samples to a State certified laboratory for analysis within the required sample holding time; notify the Department within 5 days of completing this requirement; and pay a **stipulated penalty** of seven thousand dollars **(\$7,000.00)** if it fails to meet any requirement of this Order.

14) Order Type and Number: Consent Order 04-044-DW  
Order Date: March 12, 2004  
Respondent: **Sidney Hamilton**  
Facility: C & J MHP  
Location/Mailing Address: 2394 Bass Drive  
Santee, S.C. 29142  
County: Orangeburg  
Previous Orders: None  
Permit/ID Number: 3860026  
Violations Cited: S.C. Code Ann. Regs. 61-30(G) and  
61-58.7(B)(1)

Summary: Sidney Hamilton (Respondent) d/b/a C & J Mobile Home Park (MHP) is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS and failure to submit drinking water fees for fiscal year 2003.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with State and Federal regulations; submit a copy of the eviction notices filed with the Magistrate's office; disconnect, cap, and enclose the well serving the C & J MHP; disconnect all homes from the well and secure the homes by boarding up all windows and doors; within 30 days of the Order date, pay the 2003 drinking water fees totaling two hundred six dollars and twenty-five cents (\$206.25); obtain a construction permit and final approval to operate before placing the C & J MHP PWS back into operation; and pay a **stipulated penalty** of four thousand dollars (**\$4,000.00**) if he fails to meet any requirement in this Order. A form has been received from the Internal Revenue Service stating that the two hundred six dollars and twenty-five cents (\$206.25) for the 2003 drinking water fees owed has been withheld from the Respondent's 2003 tax return.

15) Order Type and Number: Consent Order 04-045-DW  
Order Date: March 12, 2004  
Respondent: **Town of Ridgeville**  
Facility: Town of Ridgeville PWS  
Location/Mailing Address: 105 School Street  
Ridgeville, S.C. 29472  
County: Dorchester  
Previous Orders: None  
Permit/ID Number: 1810003  
Violations Cited: S.C. Code Ann. Regs. 61-58(B)(1)  
and 61-58.1(K)(1)

Summary: The Town of Ridgeville (Respondent) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to obtain a

permit prior to modifying an existing PWS, and placing the modified system into operation without prior approval.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal laws and regulations; within 30 days of the Order, pay a civil penalty in the amount of four thousand five hundred dollars **(\$4,500.00)**; within 60 days of the Order date, submit a permit to construct; and within 10 days after the Department issues the permit to construct, contact the Trident EQC District to conduct a final inspection for operational approval.

16) Order Type and Number: Consent Order 04-046-DW  
Order Date: March 12, 2004  
Respondent: **Lorinia Burgess**  
Facility: One to One Daycare  
Location/Mailing Address: 7303 Firelane Road  
Columbia, S.C. 29223  
County: Richland  
Previous Orders: None  
Permit/ID Number: 4070228  
Violations Cited: S.C. Code Ann. Regs. 61-30(C)(2)(c)  
and 61-58.5(G)(2)

Summary: Lorinia Burgess (Respondent) d/b/a One to One Daycare is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations and the Environmental Protection Fees Regulation as follows: failure to perform the required annual nitrate monitoring for the 2003 monitoring period; and failure to submit the required annual drinking water fees for the 2003 and 2004 fiscal years.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; pay the balance of the drinking water fees for the 2003 and 2004 fiscal years totaling one thousand two hundred four dollars and fifty cents (\$1,204.50) in 3 quarterly installments with the first installment due March 15, 2004; and pay a **stipulated penalty** in the amount of four thousand dollars **(\$4,000.00)** if she fails to meet any requirement in this Order. The Respondent has paid two hundred dollars (\$200.00) toward the outstanding balance of the drinking water fees.

17) Order Type and Number: Consent Order 04-049-DW  
Order Date: March 17, 2004  
Respondent: **Franklin Fortson**  
Facility: N/A  
Location/Mailing Address: 8568 Wildcat Bridge Road  
Danielsville, GA 30633  
County: Oconee

Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. Regs. 61-71  
(F)(2)(c), 61-71(F)(8), and 61-71(F)(12)(a)

Summary: Franklin Fortson (Respondent) is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the South Carolina Well Standards and Regulations as follows: failure to properly grout a well; failure to properly label a well with an identification plate; and failure to submit a Water Well Record form.

Action: The Respondent has agreed to: comply with all applicable State laws and regulations concerning well construction and permitting; and pay a civil penalty in the amount of three thousand two hundred dollars (**\$3,200.00**) in 4 quarterly installments.

18) Order Type and Number: Consent Order 04-050-DW  
Order Date: March 17, 2004  
Respondent: **Thomas Frye**  
Facility: Frye's MHP PWS  
Location/Mailing Address: 13670 Pee Dee Road South  
Galivant's Ferry, S.C. 29544  
County: Horry  
Previous Orders: None  
Permit/ID Number: 2660052  
Violations Cited: S.C. Code Ann. Regs. 61-58.5 (B)  
(2)(f)

Summary: Thomas Frye (Respondent) d/b/a Frye's Mobile Home Park (MHP) owns and is responsible for the proper operation and maintenance of a PWS. The Respondent has violated the State Safe Drinking Water Act as follows: exceeded the MCL for fluoride for the compliance periods January - March 2001 to April - June 2003.

Action: The Respondent has agreed to: within 90 days of the Order date, submit a plan and schedule to bring the PWS into compliance with the MCL for fluoride and once approved, the plan and schedule will become an enforceable part of this Order; permanently display public notification of the fluoride MCL violations until the fluoride running annual average falls below the MCL; the public notification is to be displayed on the entrance to the office of the MHP for present and future residents; and pay a **stipulated penalty** of three thousand dollars (**\$3,000.00**) if he fails to meet any requirement in this Order.

- 19) Order Type and Number: Consent Order 04-052-DW  
Order Date: March 26, 2004  
Respondent: **Premier Management Group**  
Facility: Palace Resort HOA, Inc.  
Location/Mailing Address: P.O. Box 2117  
Myrtle Beach, S.C. 29578  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-C33-D  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: Premier Management Group (Respondent) operates the Palace Resort Homeowners Association (HOA), Inc. public swimming pool. The Respondent has violated the Public Swimming Pools Regulation as follows: failure to properly operate and maintain a public swimming pool in a manner that meets specific Department bacteriological, chemical, and physical standards.

Action: The Respondent has agreed to: comply with all applicable State laws and regulations concerning public swimming pools, within 30 days of the Order date, pay a civil penalty in the amount of one thousand six hundred eighty dollars (**\$1,680.00**) and contact the Waccamaw EQC District for a pre-season inspection prior to the 2004 swimming pool season. The civil penalty has been paid.

- 20) Order Type and Number: Consent Order 04-053-DW  
Order Date: March 19, 2004  
Respondent: **Ernest L. Frick Jr.**  
Facility: N/A  
Location/Mailing Address: 1340 Corley Mill Road  
Lexington, S.C. 29072  
County: Richland  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. Regs. 61-71(F)(2)

Summary: Ernest L. Frick, Jr. (Respondent) is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the South Carolina Well Standards and Regulations as follows: failure to properly grout a well.

Action: The Respondent has agreed to: comply with all applicable State laws and regulations concerning well construction and permitting; and pay a civil penalty in the amount of eight hundred fifty dollars (**\$850.00**) in 2 quarterly installments.

21) Order Type and Number: Consent Order 04-054-DW  
Order Date: March 19, 2004  
Respondent: **David McEntire**  
Facility: McEntire MHP PWS  
Location/Mailing Address: 216 E. Jones Street  
Blacksburg, S.C. 29702  
County: Cherokee  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. Regs. 61-58.1(B)(1)  
and 61-58.1(K)(1)

Summary: David McEntire (Respondent) owns and is responsible for a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to obtain a permit for the construction of a PWS and failure to obtain approval prior to placing the PWS into operation.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with applicable State and Federal laws and regulations; within 30 days of the Order date, submit intentions to either upgrade the PWS or connect to the Cleveland County PWS. In the event that Cleveland County is unable to provide water to the PWS, therefore eliminating that option, within 90 days of written notification, have the upgrade to the existing well for the PWS completed to public water standards, and within 5 days of completing the well upgrade and prior to placing the well into operation, contact the Appalachia III District to schedule an inspection of the system.

### Water Pollution Enforcement

22) Order Type and Number: Consent Order 04-007-W  
Order Date: March 26, 2004  
Respondent: **Piney Grove Utilities, Inc.**  
Facility: Lloydwood Subdivision WWTF  
Location/Mailing Address: 2 Fifth Avenue  
Charleston, S.C. 29403  
County: Lexington  
Previous Orders: None  
Permit/ID Number: SC0031402  
Violations Cited: S.C. Code Ann. § 48-1-110(d), S.C.  
Code Ann. Regs. 61-9.122.41(a)(1) and 61-9.122.47(e)

Summary: Piney Grove Utilities, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in West Columbia, South Carolina. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to comply with the permitted discharge limits for

ammonia-nitrogen, biochemical oxygen demand (BOD), dissolved oxygen (DO), fecal coliform and flow, failure to properly operate and maintain the WWTF, failure to provide for daily visits by a certified operator and failure to monitor pH and DO on a daily basis.

Action: The Respondent has agreed to: submit a contract with the regional sewer provider for approval; if the contract is approved by the PSC, connect to the regional sewer; if the PSC denies the contract or if the regional sewer provider refuses to provide a contract, then upgrade the WWTF.

23) Order Type and Number: Consent Order 04-030-W  
Order Date: March 1, 2004  
Respondent: **City of Mullins**  
Facility: White Oak Creek WWTF  
Location/Mailing Address: P.O. Drawer 408  
Mullins, S.C. 29574  
County: Marion  
Previous Orders: 00-083-W (\$7,000); 00-192-W (\$17,000); 01-231-W (\$13,500); 02-181-W (\$10,200)  
Permit/ID Number: SC0029408  
Violations Cited: S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.41(a)(1)

Summary: The City of Mullins (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to comply with the permitted discharge limit for flow.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with State and Federal regulations; by August 1, 2004, submit a summary report detailing the results of the flow monitoring and manhole inspections; by June 1, 2004, submit an implementation schedule for repairs to the collection system; within 180 days of the Order date and every 6 months until this Order is closed, submit a summary report of corrective actions addressing deficiencies in the wastewater collection system (WWCS); and pay a **stipulated penalty** of eight thousand dollars (**\$8,000.00**) if it fails to meet any requirement in this Order.

24) Order Type and Number: Consent Order 04-031-W  
Order Date: March 1, 2004  
Respondent: **Town of Clio**  
Facility: Town of Clio WWTF  
Location/Mailing Address: P.O. Box 487  
Clio, S.C. 29525  
County: Marlboro

Previous Orders: None  
Permit/ID Number: SC0040606  
Violations Cited: S.C. Code Ann. § 48-1-110(d), S.C. Code Ann. Regs. 61-9.122.41(a)(1) and 61-9.122.47(e)

Summary: The Town of Clio (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to comply with the permitted discharge limit for flow and failure to comply with the compliance schedule in the National Pollutant Discharge Elimination System (NPDES) permit.

Action: The Respondent has agreed to: continue efforts to secure funding for the upgrade of the WWTF; beginning in April 2004 submit updates on the status of the upgrade and funding efforts on a quarterly basis until funding is secured; within 60 days of notification that funding has been secured, submit a Preliminary Engineering Report (PER) with a schedule of implementation; within 90 days of the Order date, submit a Financial Plan (FP), for the operation and maintenance of the WWTF; within 24 hours after a detection, orally report requirements listed in the Order; within 5 days after a detection, report all above-referenced wastewater spills; within 90 days of the Order date, begin development of a Capacity, Management, Operations, and Maintenance (cMOM) Audit. The management plan shall include all requirements listed in the Order; within 240 days of the Order date, the management plan shall be finalized and implemented; within 180 days of the Order date, submit a Corrective Action Plan (CAP) and schedule to address priority deficiencies in the wastewater collection system (WWCS) (lift stations, manholes, line breaks/deterioration, etc.). When approved by the Department, the schedule shall become an enforceable part of this Order; and within 180 days of the Order date and every 6 months until this Order is closed, submit a summary report of corrective actions addressing deficiencies in the WWCS. A four thousand dollar (\$4,000.00) civil penalty was **suspended** due to financial hardship.

25) Order Type and Number: Consent Order 04-033-W  
Order Date: March 10, 2004  
Respondent: **Jimmy Pruitt**  
Facility: Little Mountain MHP  
Location/Mailing Address: P.O. Box 2427  
Spartanburg, S.C. 29304  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: SCR106944  
Violations Cited: S.C. Code Ann. §§ 48-1-90(a), 48-1-110 and S.C. Code Ann. Regs. 61-9.122.26(b)(14)(x)

Summary: Jimmy Pruitt (Respondent) is responsible for development and construction activities in the Little Mountain Mobile Home Park (Site). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permits Regulation as follows: discharged sediment into waters of the State, and initiated land-disturbing activities prior to obtaining a permit.

Action: The Respondent has agreed to: to comply with all permitting and operating requirements in accordance with State and Federal regulations; within 30 days of the Order date, submit plans for the unpermitted portion of the Site; within 30 days of approval of the plans for the Site, submit a report completed by a State Registered Professional Engineer certifying all storm water devices have been installed and are properly functioning; and within 30 days of the Order date, pay one thousand fifty dollars (\$1,050.00) of the four thousand two hundred dollar (**\$4,200.00**) civil penalty, with the remaining installments due quarterly. The first installment has been received.

26) Order Type and Number: Consent Order 04-040-W  
Order Date: March 10, 2004  
Respondent: **Town of North**  
Facility: Town of North WWTF  
Location/Mailing Address: P.O. Box 399  
North, S.C. 29102  
County: Orangeburg  
Previous Orders: 01-230-W (\$0)  
Permit/ID Number: SC0047821  
Violations Cited: S.C. Code Ann. § 48-1-110(d),  
S.C. Code Ann. Regs. 61-9.122.41(a)(1) and 61-9.122.41(l)(4)

Summary: The Town of North (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and Water Pollution Control Permits as follows: failure to comply with the permitted discharge limits for fecal coliform, and failure to submit properly completed discharge monitoring reports (DMRs).

Action: The Respondent has agreed to: submit a CAP for the proper completion and submission of DMRs, submit a CAP, completed by an independent State certified WWTF operator to prevent future fecal coliform violations; and pay a **stipulated penalty** in the amount of five thousand dollars (**\$5,000.00**) if it fails to meet any requirement in this Order.

27) Order Type and Number: Consent Order 04-041-W  
Order Date: March 10, 2004  
Respondent: **Don Willis**  
Facility: Willis Dairy  
Location/Mailing Address: 1520 Greenpond Road

	Fountain Inn, S.C. 29644
<u>County:</u>	Laurens
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-43.200.
20.A	

Summary: Don Willis (Respondent) is responsible for the Willis Dairy (Site). The Respondent has violated the standards for the Permitting of Agricultural Animal Facilities as follows: failure to obtain a permit for his animal facility.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with all State and Federal regulations; by April 1, 2004, repair the concrete loading ramp and the curbing in the loafing area; by June 1, 2004, submit amended plans for the Site that address the minimizing of discharges from the loafing area and 2 containment boxes; within 60 days of Department approval of the amended plans, notify the Department for a follow-up inspection; by March 1, 2007, properly close out this Site or have the Site properly permitted; and pay a **stipulated penalty** in the amount of three thousand dollars (**\$3,000.00**) if he fails to meet any requirement in this Order.

28)	<u>Order Type and Number:</u>	Consent Order 04-042-W
	<u>Order Date:</u>	March 10, 2004
	<u>Respondent:</u>	<b>Springs Industries, Inc.</b>
	<u>Facility:</u>	Grace Complex
	<u>Location/Mailing Address:</u>	P.O. Box 70 Fort Mill, S.C. 29716
	<u>County:</u>	Lancaster
	<u>Previous Orders:</u>	00-114-A (Anderson) (\$9,000)
	<u>Permit/ID Number:</u>	SC0003255
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d) and S.C. Code Ann. Regs. 61-9.122.41(a)(1)

Summary: Springs Industries, Inc, (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving its textile printing, dyeing and finishing facility. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to comply with the permitted discharge limits for phosphorous, BOD and oil & grease.

Action: The Respondent has agreed to: by April 10, 2004, submit a study plan containing a schedule for seasonal phosphorous testing; submit a CAP within 60 days of completion of the phosphorous study; and within 30 days of the Order date, pay a civil penalty in the amount of four thousand two hundred dollars (**\$4,200.00**).

29) Order Type and Number: Consent Order 04-047-W  
Order Date: March 12, 2004  
Respondent: **Centex Homes**  
Facility: Ashewood Subdivision  
Location/Mailing Address: 3740 Fernandina Road, Suite A  
Columbia, S.C. 29210  
County: Richland  
Previous Orders: None  
Permit/ID Number: SCR100000; Certificate Number  
SCR104809  
Violations Cited: S.C. Code Ann. § 48-1-90(a), S.C.  
Code Ann. Regs. 61-9.122.41(a) and (e)

Summary: Centex Homes (Respondent) is responsible for development and construction activities in the Ashewood Subdivision (Site). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permits as follows: discharged sediment into waters of the State, and failed to operate and maintain all facilities and systems of treatment and control as required in the NPDES permit.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with State and Federal regulations; within 60 days of the Order date, submit a report completed by a State Registered Professional Engineer certifying all storm water controls have been installed and are properly functioning; and within 30 days of the Order date, pay a civil penalty in the amount of five thousand six hundred dollars (**\$5,600.00**).

30) Order Type and Number: Consent Order 04-048-W  
Order Date: March 17, 2004  
Respondent: **City of Columbia**  
Facility: City of Columbia WWTF  
Location/Mailing Address: P.O. Box 147  
Columbia, S.C. 29217  
County: Richland  
Previous Orders: 00-108-W (\$10,000); 00-142-DW  
(\$17,500); 01-004-SW (C&D  
Landfill) (\$15,000); 02-093-W (Eau  
Claire Industrial Park) (\$7,200)  
Permit/ID Number: SC0020940  
Violations Cited: S.C. Code Ann. § 48-1-110(d), S.C.  
Code Ann. Regs. 61-9.122.41(a)(1), and 61-9.122.47(e)

Summary: City of Columbia, (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as

follows: failure to comply with the permitted discharge limits for chronic toxicity and failure to comply with the compliance schedule for construction of an effluent diffuser.

Action: The Respondent has agreed to: by July 1, 2004, begin construction of the effluent diffuser; complete construction by December 31, 2004; complete CORMIX verification testing by June 30, 2005; and within 30 days of the Order date, pay a civil penalty in the amount of five thousand six hundred dollars (**\$5,600.00**).

31) Order Type and Number: Consent Order 04-051-W  
Order Date: March 19, 2004  
Respondent: **United Utility Company, Inc.**  
Facility: Trollingwood Subdivision WWTF  
Location/Mailing Address: P.O. Drawer 4509  
West Columbia, S.C. 29171  
County: Greenville  
Previous Orders: 02-207-W (\$2,800)  
Permit/ID Number: SC0026611  
Violations Cited: S.C. Code Ann. § 48-1-110(d), S.C.  
Code Ann. Regs. 61-9.122.41(a)(1)

Summary: United Utility Company, Inc. (Respondent), owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permits as follows: failure to meet NPDES Permit limits for fecal coliform bacteria, BOD, and total suspended solids (TSS).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit a summary of corrective actions taken to date; submit a copy of the Standard Operating Procedure (SOP) to include Best Management Practices (BMPs) implemented to ensure proper training of new staff; and within 30 days of the Order date, pay a civil penalty in the amount of four thousand two hundred dollars (**\$4,200.00**).

32) Order Type and Number: Consent Order 04-055-W  
Order Date: March 26, 2004  
Respondent: **Spartanburg Sanitary Sewer District**  
Facility: Fairforest Ck, Lawson Fork,  
Buckeye, Carolina Country Club,  
Clifton/Converse, Cowpens,  
Fingerville, Highway 101, Idlewood,  
Lower North Tyger River,  
Marilyndale, North Tyger River,

Location/Mailing Address: Pacolet Mills, Landrum/Page Creek,  
and South Tyger River WWTFs  
P.O. Box 251  
Spartanburg, S.C. 29304

County: Spartanburg

Previous Orders: 99-074-W (Fairforest Ck WWTF)  
(\$36,000); 99-074-W AMD  
(Fairforest Ck WWTF) (\$1,400); 02-  
246-W (South Tyger River WWTF)  
(\$4,200)

Permit/ID Number: SC0020435, SC0020427,  
SC0000957, SC0039560,  
SC0042668, SC0045624,  
SC0047759, SC0047350,  
SC0030554, SC0048143,  
SC0030121, SC0043532,  
SC0044717, SC0026875,  
SC0047732

Violations Cited: S.C. Code Ann. § 48-1-90(a)

Summary: Spartanburg Sanitary Sewer District (Respondent) owns and is responsible for the proper operation and maintenance of 15 wastewater treatment facilities (WWTFs). The Respondent has violated the Pollution Control Act as follows: wastewater was discharged from the Respondent's wastewater collection systems (WWCSs) and WWTFs in a manner other than in compliance with the permit.

Action: The Respondent has agreed to: report all sanitary sewer overflows (SSOs); submit a prioritized list and a schedule for investigation and rehabilitation of the WWCSs; submit a CAP with a schedule to address the prioritized list, and submit summary reports of rehabilitation work performed every 6 months.

33) Order Type and Number: Consent Order 04-056-W

Order Date: March 26, 2004

Respondent: **Grand Strand Water & Sewer Authority**

Facility: Vereen WWTF

Location/Mailing Address: P.O. Box 2368  
Conway, S.C. 29528

County: Horry

Previous Orders: 00-205-W (Longs WWTF)(\$4,200);  
01-168-W (Conway WWTF);  
(\$10,500); 01-217-W (\$6,000); 02-  
117-W (\$0)

Permit/ID Number: SC0041696

Violations Cited: S.C. Code Ann. § 48-1-110(d), and S.C. Code Ann. Regs. 61-9.122.41(a)(1)

Summary: Grand Strand Water & Sewer Authority (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failure to comply with the permitted discharge limits for ammonia-nitrogen.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with State and Federal regulations; and within 30 days, submit the results of a priority pollutant scan and a CAP addressing ammonia-nitrogen compliance.

### **BUREAU OF AIR QUALITY**

34) Order Type and Number: Consent Order 04-005-A  
Order Date: March 10, 2004  
Respondent: **Polydeck Screen Corp.**  
Facility: N/A  
Location/Mailing Address: 175 Davis Chapel Road  
Spartanburg, S.C. 29307  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: 2060-0212  
Violations Cited: South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements

Summary: Polydeck Screen Corp. (Respondent), located in Spartanburg, South Carolina, manufactures modular industrial screens for the mining and quarrying industries. The Respondent has violated South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, as follows: it installed and operated three injection-molding machines, a regrinder with cyclone dust collector, three polyurethane or rubber finishing stations, two hot knife stations, an oil burner, and a paint-spray booth; and altered its spray-paint booth prior to obtaining required Department-issued permits.

Action: The Respondent has agreed henceforth to obtain required Department-issued permits or exemptions from the permitting requirements prior to installing, operating, or altering sources of air contaminants; and pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**).

35) Order Type and Number: Consent Order 04-007-A  
Order Date: March 15, 2004  
Respondent: **Thomas Concrete – Fort Mill**  
Facility: Thomas Concrete – Fort Mill  
Location/Mailing Address: 350 Flint Hill Road  
Fort Mill, South Carolina 29715  
County: York County  
Previous Orders: None  
Permit/ID Number: 9900-0296  
Violations Cited: South Carolina Air Pollution Control  
Regulation 61-62.1, Section II, Permit Requirements.

Summary: Thomas Concrete – Fort Mill (Respondent), located in Fort Mill, South Carolina, owns and operates a concrete batch plant. The Respondent has violated South Carolina Air Pollution Control Regulations as follows: failure to apply for and obtain the required Department-issued permits prior to installing and operating a baghouse used to control particulate matter emissions from its flyash silo.

Action: The Respondent has agreed to ensure that it applies for and obtains the required Department-issued permits prior to installing, operating, or modifying sources of air contaminants and pay a civil penalty in the amount of two thousand dollars (**\$2,000.00**). The penalty was paid on March 4, 2004.

36) Order Type and Number: Consent Order 04-008-A  
Order Date: March 19, 2004  
Respondent: **L. Dean Weaver Construction Co., Inc.**  
Facility: L. Dean Weaver Construction Co., Inc.  
Location/Mailing Address: 3451 Old Salem Road  
Pamplico, SC 29583  
County: Clarendon  
Previous Orders: 00-123-A (\$3,000); 01-215-W (\$4,200); 03-054-A (\$4,500)  
Permit/ID Number: N/A  
Violations Cited: Consent Order 00-123-A, Consent Order 03-054-A, and South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning

Summary: L. Dean Weaver Construction Co., Inc. (Respondent), located in Pamplico, South Carolina, is a construction and land-clearing contractor. The Respondent violated Consent Orders 00-123-A and 03-054-A, and South Carolina Air Pollution Control Regulation 61-62.2, Prohibition of Open Burning, as follows: burned land-clearing debris within 1,000 feet of a public roadway.

Action: The Respondent has agreed to cease open burning except as in compliance with South Carolina Air Pollution Control Regulations, and pay a civil penalty in the amount of ten thousand dollars (**\$10,000**) payable in four equal payments of two thousand five hundred dollars (\$2,500) each. The first payment has been paid.

37) Order Type and Number: Consent Order 04-009-A  
Order Date: March 10, 2004  
Respondent: **Alcoa Mt. Holly**  
Facility: Alumax of South Carolina, Inc.  
Location/Mailing Address: P.O. Box 1000  
Goose Creek, SC 29445  
County: Berkeley  
Previous Orders: 01-037-HW (\$15,700); 02-077-A  
(\$4,000)  
Permit/ID Number: TV-0420-0015  
Violations Cited: S.C. Code Ann. §48-1-110(d).

Summary: Alcoa Mt. Holly, operating as Alumax of South Carolina, Inc. (Respondent), operates a primary aluminum reduction operation that produces high-grade aluminum using an electrolytic process. Respondent submitted to the Department a semi-annual excess emissions report indicating that the average sulfur content of coke shipments unloaded at the facility in January 2003 was 2.31%. Respondent violated S.C. Code Ann. §48-1-110(d), in that it failed to limit the sulfur content of coke used in forming anodes in the Green Carbon Plant to 2.22% by weight based upon a monthly average, as required by its permit.

Action: The Respondent has agreed to: limit the sulfur content of coke used in forming anodes in the Green Carbon Plant to 2.22% by weight based upon a monthly average; and pay a civil penalty in the amount of five thousand six hundred dollars (**\$5,600.00**). The penalty is due on April 12, 2004.

38) Order Type and Number: Consent Order 04-010-A  
Order Date: March 10, 2004  
Respondent: **Chris Bailey**  
Facility: Chris Bailey, d/b/a A-1 Land  
Clearing Company, d/b/a Bailey's  
Landscaping  
Location/Mailing Address: 5259 Hwy 174  
Adams Run, SC 29426  
County: Berkeley  
Previous Orders: 02-069-A (\$5,000)  
Permit/ID Number: N/A  
Violations Cited: South Carolina Air Pollution Control  
Regulation 61-62.2, Prohibition of Open Burning.

Summary: Mr. Chris Bailey (Respondent) owns and operates A-1 Land Clearing Company and Bailey's Landscaping in Adams Run, South Carolina. Respondent violated Consent Order 02-069-A and S.C. Air Pollution Control Regulation 61-62.2, in that it burned land-clearing debris within 1,000 feet of a public roadway.

Action: The Respondent has agreed to: cease open burning except as in compliance with Department open-burning regulations; and pay a civil penalty in the amount of nine thousand dollars (**\$9,000.00**) payable in six (6) equal payments of one thousand five hundred dollars (\$1,500.00) each. The first payment is due within thirty (30) days of the execution of the Order to be followed by payments within sixty (60), ninety (90), one hundred twenty (120), one hundred fifty (150), and one hundred eighty (180) days from the execution date of the Order.

39) <u>Order Type and Number:</u>	Consent Order 04-011-A
<u>Order Date:</u>	March 10, 2004
<u>Respondent:</u>	<b>Kelmar Industries</b>
<u>Facility:</u>	N/A
<u>Location/Mailing Address:</u>	310 Spartan Green Blvd. Duncan, S.C. 29334
<u>County:</u>	Spartanburg
<u>Previous Orders:</u>	99-056-A (\$5,600)
<u>Permit/ID Number:</u>	2060-0278
<u>Violations Cited:</u>	South Carolina Air Pollution Control Regulation 61-62.1, Section II, <u>Permit Requirements</u> , S.C. Code Ann. §48-1-110(d)

Summary: Kelmar Industries (Respondent), located in Duncan, South Carolina, is a batch chemical plant which manufactures synthetic-fiber-thread finishes and other textile-related products. The Respondent has violated S.C. Code Ann. §48-1-110(d), in that it failed to conduct the required initial source test no later than 180 days after initial start-up of the sources, failed to operate its process in the operational configuration identified in its permit, and failed to submit annual Control Device Monitoring Plan Certifications to the Department as required by its Permit; and South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements, in that it failed to obtain a Department-issued construction permit prior to modifying and altering the operational configuration of its process.

Action: The Respondent has agreed to apply for and obtain required Department-issued permits or exemptions from permitting prior to constructing, modifying, or placing into operation sources of air contaminants; within 180 days of issuance of a construction permit for the modified process, conduct a Department-approved source test and henceforth conduct source tests in

accordance with the time frame established by its Permit; submit required reports in accordance with the time frame established by its Permit; and pay a civil penalty in the amount of twelve thousand dollars (**\$12,000.00**).